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Committee on the Peaceful Uses of Outer Space
Legal Subcommittee
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Draft report

Addendum

VIII. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space

1. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 10, entitled "Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space", as a single issue/item for discussion.

2. The representatives of Indonesia, Mexico, the Netherlands, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 10. A statement was also made under the item by the representative of Chile on behalf of the Group of Latin American and Caribbean States. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

3. The Subcommittee noted with satisfaction that the Safety Framework for Nuclear Power Source Applications in Outer Space (A/AC.105/934), adopted by the Scientific and Technical Subcommittee at its forty-sixth session, in 2009, and endorsed by the Committee at its fifty-second session, in 2009, had considerably advanced international cooperation in ensuring the safe use of nuclear power sources in outer space and had facilitated the development of international space law.

4. The Legal Subcommittee noted with satisfaction the extension of the multi-year workplan of the Working Group on the Use of Nuclear Power Sources in Outer Space to 2017 (A/AC.105/1065, annex II, para. 9).

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5. Some delegations expressed the view that it was exclusively States, irrespective of their level of social, economic, scientific or technical development, that had an obligation to engage in regulatory activity associated with the use of nuclear power sources in outer space and to adapt national legislation to relevant international standards. Those delegations were also of the view that Governments bore international responsibility for national activities involving the use of nuclear power sources in outer space conducted by governmental and non-governmental organizations and that such activities must be beneficial and not detrimental to humanity.

6. Some delegations called on the Legal Subcommittee to undertake a review of the Safety Framework and to promote binding standards with a view to ensuring that any activity conducted in outer space was governed by the principles of preservation of life and maintenance of peace.

7. Some delegations expressed the view that more attention should be paid to the legal issues associated with the use of satellite platforms with nuclear power sources in Earth orbits, including the geostationary orbit, in the light of reported failures and collisions which posed a high risk to humanity. Those delegations were also of the view that it was necessary to study in depth the use of such platforms, starting with an analysis of existing practices and regulations.

8. Some delegations expressed the view that there should be greater coordination and interaction between the Scientific and Technical Subcommittee and the Legal Subcommittee in order to promote the development of binding international standards to provide a legal framework for the use of nuclear power sources in outer space.

9. Some delegations expressed the view that the use of nuclear power sources in outer space must be as limited as possible, and should comply with international laws and regulations, particularly with the Outer Space Treaty, the Treaty on the Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency safeguard agreements, conventions, protocols and standards, in order to ensure the safety, security and sustainability of space environments.

10. The view was expressed that the Principles Relevant to the Use of Nuclear Power Sources in Outer Space (General Assembly resolution 47/68) should be modified by deleting, from principle 3 (Guidelines and criteria for safe use), paragraphs 2 (a)(iii) and 3 (a), which refer to the use of nuclear reactors and radioisotope generators in Earth orbits.

11. The view was expressed that it was necessary not only to codify international law, but also to strengthen it and to review international instruments such as the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, with a view to adopting a binding instrument.

12. The view was expressed that the use of nuclear power sources in outer space should be allowed only in the case of deep space missions and only when other power sources have been considered and rejected.

XII. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-fourth session

13. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 14, entitled "Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-fourth session", as a regular item on its agenda. Under the item, the Subcommittee also considered matters related to its organization of work.

14. The representatives of Algeria, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Cuba, the Czech Republic, Egypt, France, Germany, Italy, Japan, Kenya, Malaysia, Mexico, Nigeria, the Netherlands, Portugal, the Republic of Korea, the Russian Federation, South Africa, Switzerland, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 14. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

15. The Subcommittee had before it the following:

(a) Working paper submitted by Germany entitled "Proposal for a renewal of the agenda structure and organization of work of the Legal Subcommittee (A/AC.105/C.2/L.293 and Rev.1);

(b) Conference room paper submitted by Germany containing a revised version of the proposal contained in document A/AC.105/C.2/L.293/Rev.1, including explanatory information (A/AC.105/C.2/2014/CRP.30);

(c) Proposal submitted by Japan and supported by Austria, Canada, France, Nigeria and the United States entitled "New agenda item on general exchange of information on non-legally binding United Nations instruments on outer space" (A/AC.105/L.288).

A. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-fourth session

16. The Subcommittee agreed that the two single issues/items for discussion, entitled "Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space" and "General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee", should be retained on the agenda of the Subcommittee at its fifty-fourth session.

17. The Subcommittee considered the continuation of the agenda item entitled "General exchange of information on non-legally binding United Nations instruments on outer space". In that regard, the Subcommittee had before it document A/AC.105/L.288 of 20 June 2013.

18. Some delegations expressed the view that retaining the item on the agenda as a single issue/item for discussion would increase knowledge about how States were

putting into practice the non-legally binding United Nations instruments on outer space activities, and that an exchange of information in that regard would be a useful tool for States when developing their national regulatory frameworks for outer space activities.

19. Some delegations expressed the view that a number of questions relating to the objectives, methodology, scope and outcome of the work under the item should be further elaborated and clarified.

20. Some delegations expressed the view that broadening the scope of the agenda item beyond non-legally binding United Nations instruments would allow for a more comprehensive analysis of the wider range of non-legally binding instruments that addressed contemporary challenges in the peaceful exploration and use of outer space.

21. The Subcommittee agreed that the single issue/item for discussion entitled "General exchange of information on non-legally binding United Nations instruments on outer space" should be retained on the agenda of the Subcommittee at its fifty-fourth session, on the basis of document A/AC.105/L.288.

22. The Subcommittee also agreed that in the deliberations under that agenda item, member States could, as appropriate, also take into consideration the discussions on other non-legally binding instruments on outer space, as well as the relationship between legally binding and non-legally binding instruments.

23. The Subcommittee agreed on the following items to be proposed to the Committee for inclusion in the agenda of the Subcommittee at its fifty-fourth session:

Regular items

1. Adoption of the agenda.
2. Statement by the Chair.
3. General exchange of views.
4. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
5. Status and application of the five United Nations treaties on outer space.
6. Matters relating to:
   (a) The definition and delimitation of outer space;
   (b) The character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.
7. National legislation relevant to the peaceful exploration and use of outer space.
8. Capacity-building in space law.

Single issues/items for discussion

9. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

10. General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee.

11. General exchange of information on non-legally binding United Nations instruments on outer space.

Items considered under workplans

12. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space.

(Work for 2015 as reflected in the multi-year workplan in the report of the Legal Subcommittee on its fifty-first session (A/AC.105/1003, para. 179))

New items

13. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-fifth session.

24. The Subcommittee also agreed that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space and the Working Group on Matters Relating to the Definition and Delimitation of Outer Space should be reconvened at its fifty-fourth session.

25. The Subcommittee further agreed to review, at its fifty-fourth session, the need to extend beyond that session the mandate of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space.

26. The Subcommittee agreed that IISL and ECSL should again be invited to organize a symposium, to be held during its fifty-fourth session, and noted that delegations wishing to propose topics for the symposium could do so directly to the organizers.

27. The Subcommittee noted that its fifty-fourth session had been tentatively scheduled to be held from 13 to 24 April 2015.

B. Organizational matters

28. The Subcommittee noted the proposal by Germany for the renewal of the structure of the agenda and organization of work of the Legal Subcommittee, as contained in documents A/AC.105/C.2/L.293 and Rev.1, and subsequently in document A/AC.105/C.2/2014/CRP.30.

29. Some delegations expressed the view that the role of the Legal Subcommittee as the principal international forum to promote and further develop space law should be maintained and enhanced.

30. Some delegations expressed the view that the proposal by Germany constituted a timely and constructive effort to simplify the structure of the Subcommittee's agenda and to make more efficient use of the sessions of the Subcommittee.

31. Some delegations expressed the view that the structure of the agenda of the Legal Subcommittee should remain unchanged.

32. Some delegations expressed the view that while the intention of the proposal by Germany was welcome, some elements of the proposal needed further clarification and elaboration before the new structure contained in the proposal could possibly be implemented.

33. The view was expressed that the proposal by Germany should be seen as one suggestion for improving the organization and method of work of the Subcommittee, and that other options should also be explored.

34. Some delegations expressed the view that there should be increased synergy and cooperation between the Scientific and Technical Subcommittee and the Legal Subcommittee, in order to further enhance consistency in the work of the Committee and its Subcommittees and to further the understanding and application of existing legal instruments relating to space law.

35. Some delegations expressed the view that the Subcommittee should review its rules of procedure and method of work and, in that regard, that the Secretariat should consult member States for their views on the matter.

36. The Subcommittee requested Germany to lead intersessional consultations, making use of the opportunities provided by the sessions of the Committee on the Peaceful Uses of Outer Space in 2014 and the Scientific and Technical Subcommittee in 2015, to build on the progress that had already been made, with a view to possibly reaching an agreement by the fifty-fourth session of the Legal Subcommittee, in 2015.

37. The Subcommittee noted with appreciation the demonstration by the Conference Management Service of the VIC Online Services portal, a new web-based application allowing meeting participants convenient access to documentation, meeting schedules and information about facilities and services available in the Vienna International Centre.